

Scheindlin, J

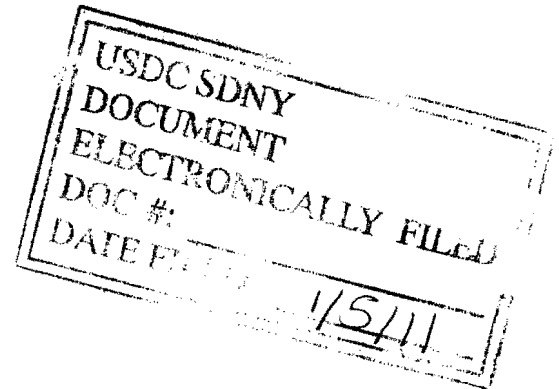
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE METHYL TERTIARY BUTYL ETHER
("MTBE") PRODUCTS LIABILITY
LITIGATION

This document pertains to:

Town of Kouts v. Ashland, Inc., et al.
Case No. Case No. 1:10-cv-08184

: Master File No. 1:00-1898
MDL 1358 (SAS)
: M21-88
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STIPULATION AND [PROPOSED] ORDER
DISMISSING ALL CLAIMS AGAINST GULF OIL LIMITED PARTNERSHIP

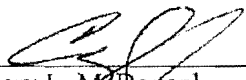
Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, the Plaintiff Town of Kouts ("Plaintiff") and Defendant Gulf Oil Limited Partnership ("GOLP"), hereby request that the Court enter this voluntary dismissal without prejudice of all claims against GOLP as set forth in Plaintiff's Complaint, dated May 4, 2010. GOLP has supplied Plaintiff with certain information, including the Affidavit of Ronald R. Sabia, dated November 30, 2010. Based on such information, Plaintiff has agreed to dismiss this action and all claims herein as against GOLP, without prejudice.

GOLP and Plaintiff (collectively the "Parties") agree that the above-captioned action will be dismissed as to GOLP, without prejudice, pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, with each of the Parties to bear its own costs, expenses and attorneys fees. Plaintiff reserves all of its rights as against all other defendants.

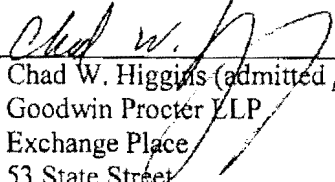
The Parties further agree that, in the event future discovery contradicts any of the facts or representations made in the affidavit of Ronald R. Sabia, or should it be determined that the MTBE claims against GOLP are meritorious, GOLP may be subsequently reinstated as a defendant in the Lawsuit, and the statute of limitations shall be deemed tolled from the date GOLP was originally named as a defendant in the above-captioned matter to the date that GOLP is subsequently reinstated as a defendant in this Lawsuit. The Parties agree that in the event that GOLP is subsequently reinstated as a defendant to this Lawsuit, GOLP will not raise any statute of limitations defense it did not have as of the date of the original complaint naming it as a defendant.

DATED: December __, 2010

DATED: ~~December~~ ^{January 3rd} __, 2010 ²⁰¹¹



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SO ORDERED:


The Honorable Shira A. Scheindlin
United States District Judge

Dated: 1/5/11

BC